

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MUNICIPAL BOUNDARY ADJUSTMENTS UNIT

In the Matter of the Petition of the City of  
Pine River for Annexation of  
Unincorporated Property in the Township  
of Wilson Pursuant to Minnesota Statutes,  
Section 414.031 (A-7593)

**FIRST PREHEARING ORDER**

This matter came on for a telephone prehearing conference on June 6, 2008.

Christopher M. Hood, Flaherty & Hood, P.A., appeared on behalf of the City of Pine River.

Mark J. Johnson, and Joe Nilan, Gregerson, Rosow, Johnson & Nilan, Ltd., appeared on behalf of Wilson Township.

Based upon the discussions during the prehearing conference, and upon all of the files, the Administrative Law Judge (ALJ) makes the following:

**ORDER**

1. The hearing record opened in the above-referenced matter on January 11, 2008 and the evidentiary portion of the hearing was continued to an indefinite date.

2. On May 5, 2008 the Director of the Municipal Boundary Adjustment Unit (the Director) transmitted notification that mediation in this matter had failed to result in a resolution and that a hearing was requested. The undersigned ALJ was assigned to hear this matter.

3. The Administrative Procedures Act<sup>1</sup> and the Office of Administrative Hearings' contested case rules<sup>2</sup> shall govern the conduct of this matter to the extent that they do not conflict with the specific provisions of Chapter 414.

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<sup>1</sup> Minn. Stat. §§ 14.57 – 14.62.

<sup>2</sup> Minn. R. 1400.5100 – 1400.8400.

4. The following schedule is adopted:

| <b>Description</b>  | <b>Due Date</b>                                       |
|---|---|
| Mediation, if any, completed  | May 16, 2008  |
| Dispositive Motions   | September 16, 2008                                    |
| Discovery completed   | September 16, 2008                                    |
| Joint Informational Meeting (M.S. 414.0333)   | September 9, 2008                                     |
| Expert reports and witness lists filed with OAH and served upon counsel of record. Additional discovery arising out of and limited to the expert reports shall be completed | September 29, 2008<br><br>October 6, 2008             |
| Notice of Reconvened Hearing published  | Weeks of September 29 and October 6, 2008             |
| Telephone status conference with Administrative Law Judge. Call initiated by ALJ.   | September 24, 2008, 2:00 p.m.                         |
| Hearing exhibits, exhibit lists, and prehearing briefs filed with OAH and served upon counsel of record   | October 6, 2008                                       |
| Evidentiary hearing   | October 13- 17, 2008, 9:00 a.m., Pine River City Hall |
| Administrative Law Judge tour of city and township annexation area escorted by counsel in addition to one representative each of the city and township                      | As arranged during status conference                  |
| Written public comments mailed or emailed to the Administrative Law Judge   | October 17, 2008                                      |
| Post-hearing Briefs   | 30 days after receipt of final hearing day transcript |
| Post-hearing Reply Briefs   | 15 days after receipt of briefs                       |

|                                       |                 |
|---------------------------------------|-----------------|
| Administrative Law Judge decision due | January 9, 2009 |
|---------------------------------------|-----------------|

5. Prehearing motions may be filed at any time. Dispositive motions must be filed by September 16, 2008. Responses to motions must be filed within ten days of receipt. If oral argument is requested by a party or ordered by the Administrative Law Judge, it will be scheduled promptly. If possible, discovery and other disputes should be brought before the Administrative Law Judge less formally by arranging a telephone conference. Requests for subpoenas for the attendance of witnesses or the production of documents shall be made in writing to the administrative law judge pursuant to Minn. R. 1400.7000. A copy of the subpoena request shall be served on the other parties. A subpoena request form is available at [www.oah.state.mn.us](http://www.oah.state.mn.us).

6. The Director shall arrange for the publication of the Notice of Reconvened hearing in the appropriate newspaper of general circulation in the area of the city and township as the parties may advise.

7. The hearing will be recorded by a court reporter and a transcript prepared.

8. The City of Pine River's exhibits will be marked with numbers 1 through 499. Wilson Township's will be marked with numbers 500 through 1000.

9. The City of Pine River and Wilson Township shall each, in that order, be allowed approximately two and a half days for the direct testimony, cross-examination, and reasonable follow-up questioning of their witnesses. Subsequent rebuttal witnesses may be allowed only for good cause shown.

10. The Administrative Law Judge shall preside along with the chair of the Wilson town board of supervisors and the mayor of the City of Pine River as the cochairs for the joint informational meeting required pursuant to M.S. 414.0333. Members of the public making comments at the joint informational meeting may be sworn if they desire and shall not be subject to questioning except by the Administrative Law Judge. If it appears necessary to accommodate all persons at the joint informational meeting, the Administrative Law Judge may limit or defer lengthy or duplicative comments, or request that they be submitted in writing.

11. Written comments may be submitted by the public to the Administrative Law Judge at any time through October 17, 2008. They must be post-marked or emailed by that date to:

Raymond R. Krause  
Administrative Law Judge  
Office of Administrative Hearings  
PO Box 64620  
St. Paul, MN 55164-0620  
or  
[Ray.Krause@state.mn.us](mailto:Ray.Krause@state.mn.us)

12. Written briefs and replies shall be submitted in lieu of closing oral argument.

13. The parties have not requested accommodation for a disability or appointment of an interpreter. The Office of Administrative Hearings shall be notified promptly if either an accommodation or interpreter is needed.

Dated: June 6, 2008

s/Raymond R. Krause  
RAYMOND R. KRAUSE  
Administrative Law Judge

Cc: Christine Scotillo  
Docket Clerk  
Court Reporter Coordinator